

MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Chief, Criminal Division

JOHN N. GLANG (GUAMBN 94012)
Assistant United States Attorney

150 Almaden Boulevard, Suite 900
San Jose, CA 95113
Telephone: (408) 535-5084
Fax: (408) 535-5066
E-Mail: John.Glang@usdoj.gov

Attorneys for the United States of America

Filed

APR 03 2013

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ELVA GONZALEZ,

Defendant.

No. CR 09-00694-RMW

STIPULATION AND ~~PROPOSED~~
ORDER REDUCING AND MODIFYING
DEFENDANT'S SENTENCE TO CREDIT
FOR TIME SERVED

STIPULATION

The parties, by and through their respective counsel, hereby stipulate, subject to the Court's approval, that based upon the defendant's substantial assistance to government authorities, her sentence in the above-entitled case shall be reduced and modified to credit for time served.

On November 1, 2010, this Court sentenced the defendant to a term of 60 months of imprisonment at the Bureau of Prisons. On March 13, 2013, the defendant's former drug source, Jose Alfredo Borrayo, entered a guilty plea in Case No. 10-00538-LHK to conspiracy to distribute 50 grams or more of methamphetamine, in violation of 21 U.S.C. § 846 and

STIPULATION AND ~~PROPOSED~~ ORDER REDUCING AND MODIFYING
DEFENDANT'S SENTENCE TO CREDIT FOR TIME SERVED
CR 09-00694-RMW

841(b)(1)(A)(viii). Ms. Gonzalez's assistance and willingness to testify on behalf of the government against Mr. Borrayo were communicated to Mr. Borrayo and directly contributed to his guilty plea. The defendant's current release date from the Bureau of Prisons is July 3, 2014. The United States Marshal's Office has indicated that it will require approximately two weeks for them to transport the defendant from her current Bureau of Prisons facility in Dublin, CA to this court for purposes of re-sentencing. If the defendant's personal appearance is required in order for the court to reduce her sentence, the defendant will therefore have to serve an additional two weeks of the time she has remaining to serve.

Accordingly, the parties hereby stipulate pursuant to Federal Rule of Criminal Procedure 35(b) that the Court may (without requiring that the defendant personally appear before it) and shall reduce and modify the defendant's sentence to a term of credit for time served, with no further time in custody remaining to be served.

Date: March 26, 2013

/s/
JOHN N. GLANG
Assistant United States Attorney

Date: March 26, 2013

/s/
BRUCE C. FUNK
Attorney for Elva Gonzalez

~~[PROPOSED]~~ ORDER

GOOD CAUSE APPEARING, and based upon the stipulation of the parties, IT IS HEREBY ORDERED that defendant Elva Gonzalez's sentence in the above-entitled case of 60 months of imprisonment originally imposed on November 1, 2010 shall be reduced and modified pursuant

STIPULATION AND ~~[PROPOSED]~~ ORDER REDUCING AND MODIFYING
DEFENDANT'S SENTENCE TO CREDIT FOR TIME SERVED
CR 09-00694-RMW

1 to Federal Rule of Criminal Procedure 35(b) to a sentence of credit for time served, with no
2 further time in custody remaining to be served.

3
4 IT IS SO ORDERED.

5
6 Date: 4/3, 2013

Ronald M. Whyte
7 RONALD M. WHYTE
8 United States District Judge
9 Northern District of California
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STIPULATION AND ~~PROPOSED~~ ORDER REDUCING AND MODIFYING
DEFENDANT'S SENTENCE TO CREDIT FOR TIME SERVED
CR 09-00694-RMW 3